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OFFICE OF PETITIONS

ON PETITION

In re Application of
Robert Bennett Stout Jr.
Application No. 09/502,899
Filed: February 11, 2000
Attorney Docket No. ADDS:017/KRE

This is a decision on the petition under 37 CFR 1.137(b), filed July 16, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 14, 2003, which set a shortened statutory period for reply of three (3) months. Three months extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 15, 2003.


The above-identified application is being revived solely for purposes of continuity with a Request For Continued Examination (RCE) filed on July 16, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$465 extension of time submitted with the petition on July 16, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The terminal disclaimer submitted with the petition to revive is unnecessary and will not be processed. Also, petitioner should note that the filing of a terminal disclaimer is unnecessary as a condition for revival in applications filed on or after June 8, 1995. *Note* 37 CFR 1.137(c). Accordingly, the \$55 fee submitted for the terminal disclaimer will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to Technology Center AU 3653 for further processing.


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for Patent Examination Policy